

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**RODNEY BUNCH
ADC #117083**

PETITIONER

VS. **CASE NO.: 5:12CV00360 SWW/BD**

**RAY HOBBS, Director,
Arkansas Department of Correction**

RESPONDENT

ORDER

The Court has reviewed the Recommended Disposition (“Recommendation”) filed by Magistrate Judge Beth Deere. The Court has considered petitioner’s amended petition, brief in support, and the exhibits, all of which were filed one day after the Recommendation was entered. The Court has considered Mr. Bunch’s objections to the Recommendation and has reviewed *de novo* those portions of the Recommendation to which Mr. Bunch objects. After careful consideration, this Court adopts the Recommendation as its own. The Magistrate Judge’s Recommendation which addressed the original petition is applicable to Rodney Bunch’s Amended Petition for Writ of Habeas Corpus (docket entry #3) . The petition is dismissed, without prejudice.

When entering a final order adverse to a habeas corpus petitioner, the Court must issue or deny a certificate of appealability. Rule 11 of the Rules Governing Section 2254 Cases. A certificate of appealability may issue only if a petitioner has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(1)-(2). In this case, there is no basis for this

court to issue a certificate of appealability. Accordingly, a certificate of appealability is denied.

IT IS SO ORDERED, this 12th day of October, 2012.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE